

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 159

## **SENATE BILL 1023**

AN ACT

AMENDING SECTIONS 28-672, 28-675 AND 28-676, ARIZONA REVISED STATUTES;  
RELATING TO MOTOR VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to  
3 read:

4 28-672. Causing serious physical injury or death by a moving  
5 violation; penalties; classification; definition

6 A. A person is guilty of causing serious physical injury or death by a  
7 moving violation if the person violates any one of the following and the  
8 violation results in an accident causing serious physical injury ~~as defined~~  
9 ~~in section 13-105~~ or death to another person:

- 10 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 11 2. SECTION 28-729.
- 12 3. SECTION 28-771.
- 13 ~~2-~~ 4. Section 28-772.
- 14 5. SECTION 28-773.
- 15 ~~3-~~ 6. Section 28-792.
- 16 ~~4-~~ 7. Section 28-794.
- 17 ~~5-~~ 8. Section 28-797, subsection F, G, H or I.
- 18 ~~6-~~ 9. Section 28-855, subsection B.
- 19 ~~7-~~ 10. Section 28-857, subsection A.

20 B. A person who violates this section shall attend and successfully  
21 complete traffic survival school training and educational sessions that are  
22 designed to improve the safety and habits of drivers and that are approved by  
23 the department. In addition, the court may order the person to perform  
24 community restitution.

25 C. The court shall report a conviction for a violation of this section  
26 to the department and:

27 1. FOR A FIRST VIOLATION OF THIS SECTION, may direct the department to  
28 suspend the person's driving privilege for not more than ninety days if the  
29 violation results in serious physical injury ~~as defined in section 13-105~~ and  
30 not more than one hundred eighty days if the violation results in death.

31 2. FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION WITHIN A  
32 PERIOD OF THIRTY-SIX MONTHS, SHALL DIRECT THE DEPARTMENT TO SUSPEND THE  
33 PERSON'S DRIVING PRIVILEGE FOR NINETY DAYS IF THE VIOLATION RESULTS IN  
34 SERIOUS PHYSICAL INJURY AND ONE HUNDRED EIGHTY DAYS IF THE VIOLATION RESULTS  
35 IN DEATH.

36 D. If a person's driving privilege is suspended pursuant to any other  
37 statute because of an incident involving a violation of this section, the  
38 suspension period prescribed in subsection C of this section shall run  
39 concurrently with the other suspension period.

40 E. If a person fails to successfully complete traffic survival school  
41 training and educational sessions or perform community restitution pursuant  
42 to this section, the court shall notify the department and the department  
43 shall promptly suspend the driver license or permit of the driver or the  
44 privilege of a nonresident to drive a motor vehicle in this state until the  
45 order is satisfied.

1 F. If the person who suffers serious physical injury as a result of a  
2 violation of this section appears before the court in which the action is  
3 pending at any time before trial and acknowledges receipt of satisfaction for  
4 the injury, on payment of the costs incurred, the court shall order that the  
5 prosecution be dismissed and the defendant be discharged. The reasons for  
6 the order shall be set forth and entered of record, and the order shall be a  
7 bar to another prosecution for the same offense.

8 G. Restitution awarded pursuant to section 13-603 as a result of a  
9 violation of this section shall not exceed ten thousand dollars.

10 H. A person who violates this section is guilty of a class 3  
11 misdemeanor, except that if the violation results in the death of another  
12 person the maximum fine for the person shall be one thousand dollars.

13 I. FOR THE PURPOSES OF THIS SECTION, "SERIOUS PHYSICAL INJURY" HAS THE  
14 SAME MEANING PRESCRIBED IN SECTION 13-105.

15 Sec. 2. Section 28-675, Arizona Revised Statutes, is amended to read:  
16 28-675. Causing death by use of a vehicle; classification

17 A. A person is guilty of causing death by use of a vehicle if all of  
18 the following apply:

19 1. The person is not allowed to operate a motor vehicle pursuant to  
20 subsection B of this section.

21 2. While operating a motor vehicle, the person causes the death of  
22 another person.

23 3. The person commits a violation of any of the following:

24 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

25 (b) SECTION 28-729.

26 (c) SECTION 28-771.

27 ~~(b)~~ (d) Section 28-772.

28 (e) SECTION 28-773.

29 ~~(e)~~ (f) Section 28-792.

30 ~~(d)~~ (g) Section 28-794.

31 ~~(e)~~ (h) Section 28-797, subsection F, G, H or I.

32 ~~(f)~~ (i) Section 28-855, subsection B.

33 ~~(g)~~ (j) Section 28-857, subsection A.

34 B. For the purposes of this section, a person shall not operate a  
35 motor vehicle if any of the following applies:

36 1. The person's driving privilege is revoked for any reason.

37 2. The person's driving privilege is suspended for any reason pursuant  
38 to chapter 4, article 3 of this title.

39 3. The person's driving privilege is suspended pursuant to section  
40 28-1321.

41 4. The person's driving privilege is suspended pursuant to the  
42 department's action based on a previous conviction for a violation of section  
43 28-3473.

44 5. The person's driving privilege is suspended pursuant to section  
45 28-3306, subsection A, paragraph 3.

- 1           6. The person does one of the following to obtain a driver license:
- 2           (a) Knowingly uses a false or fictitious name.
- 3           (b) Knowingly makes a false statement.
- 4           (c) Knowingly conceals a material fact.
- 5           (d) Commits fraud.
- 6           (e) Violates section 28-3479.

7           7. THE PERSON DOES NOT HAVE A VALID DRIVER LICENSE AND A PROPER  
8 ENDORSEMENT, IF REQUIRED, AS PRESCRIBED BY CHAPTER 8 OF THIS TITLE AND THE  
9 PERSON IS NOT EXEMPT PURSUANT TO CHAPTER 8 OF THIS TITLE.

10          C. Causing death by use of a vehicle is a class 4 felony.

11          Sec. 3. Section 28-676, Arizona Revised Statutes, is amended to read:  
12          28-676. Causing serious physical injury by use of a vehicle;

13                         classification

14          A. A person is guilty of causing serious physical injury by use of a  
15 vehicle if all of the following apply:

16           1. The person is not allowed to operate a motor vehicle pursuant to  
17 subsection B of this section.

18           2. While operating a motor vehicle, the person causes serious physical  
19 injury, as defined in section 13-105, to another person.

20           3. The person commits a violation of any of the following:

21           (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

22           (b) SECTION 28-729.

23           (c) SECTION 28-771.

24           ~~(b)~~ (d) Section 28-772.

25           (e) SECTION 28-773.

26           ~~(e)~~ (f) Section 28-792.

27           ~~(d)~~ (g) Section 28-794.

28           ~~(e)~~ (h) Section 28-797, subsection F, G, H or I.

29           ~~(f)~~ (i) Section 28-855, subsection B.

30           ~~(g)~~ (j) Section 28-857, subsection A.

31          B. For the purposes of this section, a person shall not operate a  
32 motor vehicle if any of the following applies:

33           1. The person's driving privilege is revoked for any reason.

34           2. The person's driving privilege is suspended for any reason pursuant  
35 to chapter 4, article 3 of this title.

36           3. The person's driving privilege is suspended pursuant to section  
37 28-1321.

38           4. The person's driving privilege is suspended pursuant to the  
39 department's action based on a previous conviction for a violation of section  
40 28-3473.

41           5. The person's driving privilege is suspended pursuant to section  
42 28-3306, subsection A, paragraph 3.

43           6. The person does one of the following to obtain a driver license:

44           (a) Knowingly uses a false or fictitious name.

45           (b) Knowingly makes a false statement.

- 1 (c) Knowingly conceals a material fact.
- 2 (d) Commits fraud.
- 3 (e) Violates section 28-3479.

4 7. THE PERSON DOES NOT HAVE A VALID DRIVER LICENSE AND A PROPER  
5 ENDORSEMENT, IF REQUIRED, AS PRESCRIBED BY CHAPTER 8 OF THIS TITLE AND THE  
6 PERSON IS NOT EXEMPT PURSUANT TO CHAPTER 8 OF THIS TITLE.

7 C. Causing serious physical injury by use of a vehicle is a class 5  
8 felony.

APPROVED BY THE GOVERNOR APRIL 26, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2010.